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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/094,719	06/15/1998	WILLIAM J. SLYNE	9991-06	8716

7590
John H. Thomas, P.C.
1561 East Main Street
Richmond, VA 23219

08/06/2003

EXAMINER

TRINH, MINH N

ART UNIT	PAPER NUMBER
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3729

DATE MAILED: 08/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/094,719

Applicant(s)

SLYNE, WILLIAM J.

Examiner

Minh Trinh

Art Unit

3729

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Applicant's Amendment filed 7/19/2002.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-36 is/are pending in the application.
- 4a) Of the above claim(s) 8-20, 25, 26 and 28-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-24, 27 and 31-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendment filed in paper No. 19 (dated 7/19/2002) has been fully considered and made of record.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Objections

3. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 35-40 have been renumbered 31-36.

4. Dependent claims 21-24, 27 and 32-36, "A method" (line 1) should be change to:
--The method-- to reflect the dependent claims format.

5. Claims 31-36, 21-24 and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The following are examples:

It is not clear whether the limitation: "the cylindrical surface" (refer claim 31, line

7) is the same as "the cylindrical cutting surface" as recited in claim 34, line 6.

Claim 32, the phrase: "creating a vacuum internally of the rotating cylindrical cutting surface that communicates with the surface"(lines 2-3) is unclear and confusing in that it is not known how a vacuum is being created internally of the rotating cylindrical cutting surface when there is no vacuum pump or suction air supply associated therefrom. Also, "the surface"(line 3) lacks antecedent basis.

Claim 33, the phrase: "the cylinder internally of the cylinder surface" lacks antecedent basis.

6. Claims 31-36, 21-24 and 27, as understood are rejected under 35 U.S.C. 103(a) as being unpatentable over Medley (US 3,614,369) in view of Pearl (US 4,725,961). Medley discloses a method of cutting pattern comprising steps of: providing at least two cutting means (see the discussion at col. 3, lines 5-7); advancing the web material over the cutting zone (see col. 1, lines 25-28); and moving the cutting means across the cutting zone (col. 1, lines 45-47, col. 3, lines 8-9). Medley does not teach a rotating cylindrical cutting surface and the cutting the web of material while rotating the cylindrical surface as recited in claim 31, lines 3-4; the providing a vacuum to internal of the cylindrical cutting surface as recited in claim 32; and an air assistant means as recited in claim 35. Pearl teaches the above, a rotating cylindrical cutting surface 26; and the cutting by the rotating the cylindrical surface 26 (see the discussion at col. 4, lines 45-65); the providing a vacuum to internal of the cylindrical cutting surface (see the discussion at col. 3, lines 55-65); and an air assistant means 32 (note that Pearl's air pump 32, read on an air assistant means as claimed by the present invention), etc. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ the Pearl's teachings of rotating cylindrical cutting

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surface onto the cutting method invention of Medley in order to facilitate the cutting process including positioning and cutting the desired web pattern in an effectively manner. Note that Medley suggests various cutters means including rotary mechanical cutters and non-mechanical cutters (see Medley's specification, at col. 1, lines 42-45).

Limitations of claims 32 and 35 are also met as the above discussion.

As applied to claim 33, Note that Pearl's col. 10, lines 22-24 that disclose the movement of drum 22, which is also read on the driving a cylinder internally of the cylindrical surface as recited in the present claim 33.

As applied to claims 34 and 36, Medley as applied and relied above also discloses each of the cutting means are move independently of each other (in light of the discussion at col. 4, lines 20-34).

As applied to claims 21-23 and 27, Medley does not teach the cutting means disposed on rail means and the rail means disposed parallel to the axis of rotation of the cylindrical cutting surface, etc. (as recited in claim 21); and the limitation as recited in claim 27. Pearl's Fig. 1, which shows at least one cutting means 10 is being disposed on rail, means 20 and 18 and the rail is being parallel to the axis of rotation of the cylindrical cutting surface 26; and the cylindrical cutting surface 26 rotates about an axis of rotation 24, etc. as recited in claim 22; and the cutting means 10 that moves along the rail means as recited in claim 23. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ the Pearl's teachings above onto the cutting method of Medley, efficiency operation would result.

As applied to claim 24, note Medley's discussion at col. 1, lines 45-51 suggest the cutting wheel (rotary cutter) and an associated computer controlled the cutters.

Response to Arguments

7. Applicant's arguments, filed 7/19/2002, with respect to the rejection(s) of claim(s) 1-7 and 21-24 and 27 have been considered but are moot in view of the new ground(s) of rejection.

Interviews After Final

8. Applicant notes that an interview after a final rejection will not be granted unless the intended purpose and content of the interview is presented briefly, in writing (the agenda of the interview must be in writing). Such an interview may be granted if the examiner is convinced that disposal or clarification for appeal may be accomplished with only nominal further consideration. Interviews merely to restate arguments of record or to discuss new limitations which would require more than nominal reconsideration or new search will be denied. See MPEP 714.13 and 713.09.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within


TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Trinh whose telephone number is (703) 305-2887. The examiner can normally be reached on Monday -Thursday 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (703) 308-1789. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7307 for regular communications and (703) 305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

mt
July 28, 2003



PETER VO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700